

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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BENSLEY CONSTRUCTION, INC., on its own  
behalf and on behalf of all others similarly situated,

Plaintiff,

v.

MARSH & MCLENNAN COMPANIES, INC.,  
MARSH, INC., ACE USA, ACE INA, AMERICAN  
INTERNATIONAL GROUP, AMERICAN  
REINSURANCE COMPANY, ARTHUR J.  
GALLAGHER & CO., HILB ROGAL & HOBBS,  
COMPANY, WILLIS GROUP HOLDINGS, LTD.,  
WILLIS NORTH AMERICA INC., WILLIS GROUP  
LTD., UNIVERSAL LIFE RESOURCES,  
UNIVERSAL LIFE RESOURCES, INC. (d/b/a ULR  
INSURANCE SERVICES, INC.), THE CHUBB  
CORPORATION, USI HOLDINGS, INC., METLIFE,  
INC., PRUDENTIAL FINANCIAL, INC.,  
UNUMPROVIDENT CORPORATION, THE ST.  
PAUL TRAVELERS COMPANIES, INC., ZURICH  
AMERICAN INSURANCE COMPANY, LIBERTY  
MUTUAL GROUP INC., LIBERTY MUTUAL  
INSURANCE COMPANY, LIBERTY MUTUAL  
FIRE INSURANCE COMPANY, EMPLOYERS  
INSURANCE COMPANY OF WAUSAU, and ST.  
JAMES INSURANCE COMPANY LTD.,

Defendants.

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Civil Action No. 05 11249 GAO

**MOTION TO STAY THIS ACTION  
PENDING A DETERMINATION ON TRANSFER BY  
THE JUDICIAL PANEL ON MULTIDISTRICT LITIGATION**

Defendants Marsh & McLennan Companies, Inc., Marsh, Inc., ACE USA, ACE  
INA, American International Group, Inc., American Reinsurance Company, Arthur J.  
Gallagher & Co., Hilb Rogal & Hobbs Company, Willis Group Holdings, Ltd., Willis

North America Inc., Willis Group Ltd., Universal Life Resources, Universal Life Resources, Inc. (d/b/a ULR Insurance Services, Inc.), USI Holdings, Inc., MetLife, Inc., Prudential Financial, Inc., UnumProvident Corporation, The St. Paul Travelers Companies, Inc., and Zurich American Insurance Company (collectively, “Movants”) hereby moves this Court to stay this action until the Judicial Panel on Multidistrict Litigation (the “JPML”) either transfers this action or denies transfer.<sup>1</sup>

This action is one of over twenty cases filed in or removed to various federal courts across the country against insurers and insurance brokers on the heels of an investigation by the New York Attorney General. Plaintiff’s action, like each of the other actions in federal court, is based on the allegations contained in the New York Attorney General complaints. The purported class sought to be certified in this action is a virtual subset of the class sought to be certified in the other federal actions. In light of the similarity of the various actions, the JPML in February 2005 transferred three cases that had been brought to its attention to the United States District Court for the District of New Jersey, where they have been assigned to Judge Faith S. Hochberg as *In re Insurance Brokerage Antitrust Litigation*, MDL No. 1663. Some twenty cases have now been consolidated before the MDL court. On June 17, 2005, the JPML clerk was notified

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<sup>1</sup> The Complaint names as a Defendant “American International Group” and not “American International Group, Inc.” In filing this motion, the Movants reserve any and all rights and defenses available under Rule 12 of the Federal Rules of Civil Procedure, including but not limited to, arguments concerning ineffective service of process, personal jurisdiction, and that any defendant is not a proper party to this action.

that the above-captioned matter raises issues of fact and law in common with the previously transferred actions and should be similarly transferred to Judge Hochberg.

For the reasons set forth herein and in the accompanying Memorandum in Support, Movants respectfully request that the Court stay all proceedings in this action until after the JPML either transfers the action to Judge Hochberg or denies said transfer.

**WHEREFORE**, for the foregoing reasons, Movants respectfully request that this action be stayed until the JPML either transfers this action to the District of New Jersey or denies transfer.

Dated: June 20, 2005

Marsh & McLennan Companies, Inc., and Marsh Inc., on their own behalf and on behalf of and with the consent of ACE USA; ACE INA; Zurich American Insurance Company; American International Group, Inc.; American Re-Insurance Company; Arthur J. Gallagher & Co.; Hilb Rogal & Hobbs, Company; Willis Group Holdings, Ltd.; Willis North America Inc.; Willis Group Ltd.; Universal Life Resources; Universal Life Resources, Inc. (d/b/a ULR Insurance Services, Inc.); USI Holdings Corp.; MetLife, Inc.; Prudential Financial, Inc.; UnumProvident Corporation; The St. Paul Travelers Companies, Inc.,

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*Travelers Companies, Inc.*

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(A)(2)**

The undersigned hereby certifies that counsel have conferred and have attempted in good faith to resolve or narrow the issues presented by the accompanying motion prior to the filing of said motion.

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INSURANCE SERVICES, INC.), THE CHUBB  
CORPORATION, USI HOLDINGS, INC., METLIFE,  
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The undersigned hereby certifies that counsel have conferred and have attempted in good faith to resolve or narrow the issues presented by the accompanying motion prior to the filing of said motion.

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